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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,429	12/03/2003	Mahesan Chelvayohan	2003-0061.01	5820
21972	7590	03/15/2006	EXAMINER	
LEXMARK INTERNATIONAL, INC. INTELLECTUAL PROPERTY LAW DEPARTMENT 740 WEST NEW CIRCLE ROAD BLDG. 082-1 LEXINGTON, KY 40550-0999			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	
DATE MAILED: 03/15/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites "a display device" and then recites "a controller coupled to display device". It is unclear if the controller is coupled to the previously recited "a display device" or a different display device.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,888,617 (Okuzawa).

Regarding 11, Figs. 1-3 disclose a method for performing print media depletion detection in an imaging apparatus, comprising the steps of:

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providing a mid-frame (including 86, 90a and 90b) having a slot (between 90a and 90b);

providing a sensor (including 92 and 94) locatable over the slot;

providing a print media support (including 62) for holding a supply of print media;

providing a print media detection device (78) having a sense surface (79b); and

detecting with the sensor (including 92 and 94) one of a presence and an absence of the sense surface (79b) in the slot of the mid-frame (including 86, 90a and 90b) as a determination of the depletion of the supply of print media at the print media support (including 62).

Regarding claim 12, Fig. 3 shows that when the print media is present at the print media support (including 62), the sense surface (79b) is not positioned in the slot of the mid-frame (including 86, 90a and 90b), and wherein if the print media is not present at the print media support (including 62), the sense surface (79b) is positioned in the slot of the mid-frame (including 86, 90a and 90b) for detection by the sensor (including 92 and 94).

Regarding claim 16, column 8, lines 14-18 disclose the step of displaying at a display device (control panel) an indication of an absence of the print media at the print media support (including 62) when the sensor (including 92 and 94) senses the presence of the sense surface (79b) in the slot of the mid-frame (including 86, 90a and 90b).

Regarding claim 17, Fig. 1 shows that the print media support (including 62) is a front-load print media tray.

Regarding claim 18, column 6, lines 7-10 disclose that the sensor (including 92 and 94) is an optical sensor.

### ***Allowable Subject Matter***

3. Claims 1-5 and 7-10 are allowed. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 6 would be allowable if amended to overcome the rejection under 35 U.S.C. 112, second paragraph, outlined above.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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